

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

-v-

Case No. 19-20652

D-1 James Letko,  
D-2 Steven King,  
D-3 Rami Lazeki,  
D-4 Patricia Flannery,  
D-5 Katherine Peterson,

Defendants.

HEARING ON RETURN ON SUBPOENAS  
September 10, 2020

BEFORE THE HONORABLE DAVID M. LAWSON  
United States District Judge

Theodore Levin United States District Courthouse  
231 West Lafayette Boulevard  
Detroit, Michigan

APPEARANCES:

FOR THE PLAINTIFF: SHANKAR RAMAMURTHY  
United States Attorney's Office  
211 West Fort Street, Suite 2001  
Detroit, Michigan 48226

FOR THE DEFENDANT THEODORE R. EPPEL  
JAMES LETKO: Butzel Long  
150 West Jefferson, Suite 100  
Detroit, Michigan 48226

(Appearances continued to following page)

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Rene L. Twedt, CSR-2907, RDR, CRR, CRC  
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1 APPEARANCES CONTINUED:

2

3 FOR THE DEFENDANT BENTON MARTIN  
4 STEVEN KING: Federal Community Defender  
613 Abbot Street  
5 Detroit, Michigan 48226

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6 FOR THE DEFENDANT MARK KRIGER  
7 PATRICIA FLANNERY: LaRene & Kriger  
645 Griswold Street  
Suite 1717  
8 Detroit, Michigan 48226

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1 Detroit, Michigan

2 September 15, 2021

3 10:39 a.m.

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5 THE CLERK: All rise. The United States District  
6 Court for the Eastern District of Michigan is now in session.  
7 The Honorable David M. Lawson presiding.

8 THE COURT: You may be seated.

9 THE CLERK: Court calls Case Number 19-20652,  
10 United States of America versus James Letko.

11 THE COURT: Let's put appearances on the record,  
12 first for the government.

13 MR. RAMAMURTHY: Shankar Ramamurthy on behalf of the  
14 United States.

15 THE COURT: All right. And Defendant Letko?

16 MR. EPPEL: Theodore Eppel on behalf of Defendant  
17 Letko.

18 THE COURT: Is anybody here for Defendant King?

19 MR. MARTIN: Yes, your Honor. Benton Martin.

20 THE COURT: Thank you.

21 And for Defendant Lazeki?

22 Patricia Flannery?

23 MR. KRIGER: Good morning, your Honor. Mark Kriger  
24 on behalf of Patricia Flannery.

25 THE COURT: All right. And no one is here for

1 Katherine Peterson, I presume.

2 The Court entered an order permitting the defendant to  
3 serve subpoenas on certain deponents under Rule 17(c). Today  
4 was the return date.

5 The Court ordered that the subpoenas be returned here  
6 at 10:00. It is now 10:40. And as I understand it, no one has  
7 appeared on behalf of any of the deponents.

8 Actually, there were only two, I believe. One was to  
9 Express Scripts, Inc., and the other one was to OptumRx, Inc.

10 Let's see. Let's start with Mr. Eppel.

11 Can you assure the Court that these subpoenas were  
12 properly served?

13 MR. EPPEL: Yes, your Honor. The subpoena to OptumRx  
14 was served by the Marshal Service on September 8, and the  
15 subpoena to Express Scripts was served by the Marshal Service  
16 on September 9.

17 THE COURT: Okay. And have you heard from anybody?

18 MR. EPPEL: We have not, your Honor.

19 THE COURT: All right. I had spoken with you at  
20 around 10:05 today and asked if you would be able to reach out  
21 to any attorneys whom you were able to identify as having  
22 represented these, either of these two entities, presently or  
23 in the past.

24 Were you successful at that?

25 MR. EPPEL: I was not, your Honor. Unfortunately,

1 the attorney that had represented Express Scripts in the case  
2 in Boston is no longer with that law firm.

3 THE COURT: Okay.

4 MR. EPPEL: And I was not able to identify an attorney  
5 for Optum.

6 THE COURT: All right. How would you like to proceed,  
7 then, Mr. Eppel?

8 MR. EPPEL: I think, your Honor, we would move for a  
9 rule to show cause on both recipients.

10 THE COURT: I think what I would like you to do --  
11 I don't know if I have the information on the docket or not.

12 Would you prepare a brief motion, together with an  
13 affidavit that just confirms the service of the subpoenas,  
14 date, time, and means, so that that information is available  
15 to the Court? And I can make a determination subsequently.

16 And then I will issue an order requiring them to show  
17 cause why they should not be held in contempt for failing to  
18 honor the subpoenas.

19 In the meantime, Mr. Eppel, I will direct you to do  
20 what I mentioned before, and that is, see if you can identify  
21 an attorney who has represented either of these entities in  
22 local litigation, either in this court or in Wayne or Oakland  
23 or Macomb or Washtenaw County in the past.

24 And the reason I suggest that is because you had  
25 represented to me that it's difficult to find out who their

1 legal department is and any contact information in that  
2 regard; is that fair to say?

3 MR. EPPEL: Yes, your Honor.

4 THE COURT: All right. Do you have any objection to  
5 going forward in that way?

6 MR. EPPEL: No. That's fine, your Honor. Is there a  
7 time limit on that?

8 THE COURT: I would like you to get the show cause to  
9 me as soon as possible, because --

10 MR. EPPEL: Okay.

11 THE COURT: -- I got the impression that the documents  
12 you're seeking can be somewhat voluminous and you're going to  
13 have to go through it, because we have got a trial date not  
14 right around the corner, but it is out there somewhere.

15 MR. EPPEL: Correct.

16 THE COURT: All right. Mr. Kriger, do you wish to  
17 be heard on any of this?

18 MR. KRIGER: No, your Honor.

19 THE COURT: Mr. Martin?

20 MR. MARTIN: No, your Honor. Thank you.

21 THE COURT: And Mr. Ramamurthy?

22 MR. RAMAMURTHY: Nothing to add for the government,  
23 your Honor.

24 THE COURT: All right. Thank you. That's how we will  
25 proceed.

1 I will look for your filing, Mr. Eppel. Thank you.

2 MR. EPPEL: Thank you, your Honor.

3 THE COURT: You may recess court.

4 THE CLERK: All rise. Court is now in recess.

5 (Proceedings adjourned at 10:44 a.m.)

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8 **CERTIFICATE OF COURT REPORTER**

9

10 I certify that the foregoing is a correct transcript  
11 from the record of proceedings in the above-entitled matter.

12

13 s/ Rene L. Twedt

September 29, 2021

14 RENE L. TWEDT, CSR-2907, RDR, CRR, CRC  
15 Federal Official Court Reporter

Date

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